

DETAILED ACTION

Examiner's Amendment

1. During telephone conversation with Jeanne E. Longmuir (Reg. No. 41,939), Attorney for the Appellant on February 12, 2010 authorizations for this Examiner's amendment was given in a telephone interview.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

35 USC § 101 Comment

Regarding claim 139, this claim recites "computer-readable storage medium". In the absence of any other modifying disclosure of this limitation in the specification, the Examiner interprets the 'computer-readable storage medium' as being limited to statutory embodiments, only such that it satisfies the terms of 35 U.S.C. 101.

The application has been amended as follows:

In the claims,

139. (currently amended) A computer-readable storage medium having computerized tool for use on a computer apparatus having input interfaces for receiving information, a memory for storing information and a user interface, configured for facilitating forward looking strategic analyses of a collection of technical documents

each having a searchable text and associated bibliographic information including a source and a date, comprising the computer-assisted steps:

performing a first search to identify a subset (second collection) of documents focused on a particular field,

identifying those documents in the subset relevant to each of "m" "actions";

identifying those documents in the subset relevant to each of "n" "objects";

combining each of the "m" actions with each of the "n" objects to construct an "m" x "n" array of "cells", such that each of the cells is associated only with the documents in said subset that were identified as relevant both to the respective action and to the respective object;

applying at least two scoring metrics to the bibliographic data for the documents associated with each of the cells, at least one of the scoring metrics including a time weighted predictive factor; and

generating a graph showing each of the applied scoring metrics for each of the array cells.

Allowable Subject Matter

2. Claims 139 - 158 are allowed over the prior art of record and the newly cited prior art.

3. The following is an examiner's statement of reasons for allowance:

The allowance is based on BPAI decision of November 11, 2007 and appellant's persuasive argument on appeal brief of January 20, 2010 with emphasis on pages 8-9.

Further the prior art of record, US Pub. No. 2002/0062302 (Oosta) is directed to "a method that is based on an analysis of document information, and which can be used for conducting and potentially accelerating business opportunity assessments and technology investment decisions". In Oosta documents include patent documents, scientific and trade literature, magazines, e-zines, Internet search results and the like; the system can be implemented as an automatic or semi-automatic analysis system, and it ultimately provides a document index or visual index from which technology, investment or business decisions can be drawn;

US Pub. No. 2004/181427 (Stobbs) is directed to "performing patent portfolio analysis. The patent portfolio analysis apparatus and method of Stobbs clusters a group of patents based upon one or more techniques. The clustering techniques include linguistic clustering techniques (e.g., eigenvector analysis), claim meaning, and patent classification techniques. Different aspects of the clusters are analyzed, including financial, claim breadth, and assignee patent comparisons".

US Pat. No. 5,440,481 (Kostoff et al) is directed to "a process for analyzing full-text that is provided for identifying often-repeated, high user interest, word phrases in a database. Often-repeated, high user interest, word phrases are defined as pervasive theme areas (PTAs)". In Kostoff, the system and method perform full-text data base analysis without the requirement for any key or index words.

Shillin-Wolf is directed to "the use of co-word analysis as a tool for detecting research themes in the Educational Administration Quarterly; Co-word analysis is a

multivariate statistical method that generates word clusters formed from the frequent "co-occurrence" of words used together in a body of published literature".

None of the prior art of record or the newly cited references teach "combining each of the "m" actions with each of the "n" objects to construct an "m" x "n" array of "cells", such that each of the cells is associated only with the documents in said subset that were identified as relevant both to the respective action and to the respective object; and applying at least two scoring metrics to the bibliographic data for the documents associated with each of the cells, at least one of the scoring metrics including a time weighted predictive factor" as recited in independent claim 139.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

4. Any comments considered necessary by appellant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED I. EHICHIOYA whose telephone number is (571)272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre M. Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred I. Ehichioya/
Primary Examiner, Art Unit 2156

February 16, 2010

/Pierre M. Vital/
Supervisory Patent Examiner, Art Unit 2156